

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IMPORVENDA PRODUTOS ALIMENTARES,
LDA,

Plaintiff(s),

v.

ADAK FISHERIES, LLC,

Defendant(s).

NO. C05-258P

ORDER ON MOTION TO FILE
AMENDED ANSWER AND THIRD-
PARTY COMPLAINT

The above-entitled Court, having received and reviewed:

1. Adak Fisheries, LLC's Motion to File Amended Answer and Third-Party Complaint
2. Imporvenda's Response to Adak Fisheries, LLC's Motion to File Amended Answer and Third-Party Complaint
3. Adak Fisheries, LLC's Reply in Support of Motion to File Amended Answer and Third-Party Complaint

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS HEREBY ORDERED that the motion is PARTIALLY GRANTED – Defendant will be permitted to update their answer regarding ownership of Adak.

IT IS FURTHER ORDERED that the motion is PARTIALLY DENIED – Defendant will not be permitted to assert its breach of contract and indemnity claims against Icicle or to assert an affirmative defense based on Icicle's liability.

This motion is simply too late. According to the case schedule (Dkt. No. 8), the deadline for amending pleadings in this matter was June 16, 2005. Granting Defendant's motion in its entirety

1 would severely prejudice Plaintiff by embroiling them in a dispute which is not necessary to the
2 resolution of their straight-forward contract action.

3 The addition of a third party sought by Defendant in this motion would inevitably lead to the
4 postponement of the trial date while the new party to the lawsuit engaged in the requisite discovery
5 and motions work to properly respond to the allegations. It would serve the interests of neither
6 judicial economy nor justice to permit this last-minute reordering of this litigation.

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8 The clerk is directed to provide copies of this order to all counsel of record.

9 Dated: February _16_, 2006
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13 Marsha J. Pechman
14 U.S. District Judge
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